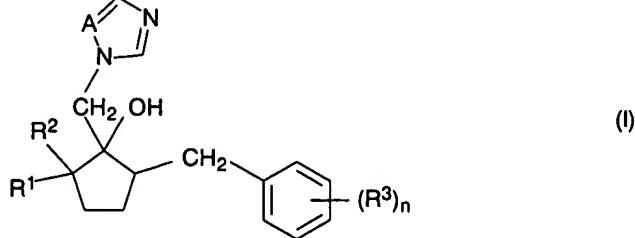


## APPENDIX II:

THE AMENDED CLAIMS (clean version of all claims):

1. (previously presented) A non-aqueous, emulsifiable concentrate (EC) formulation for fungicidal crop protection active compounds which comprises
  - (a1) 50 to 300 g/L of at least one azole derivative having a free hydroxy group or a salt or an adduct thereof;
  - (a2) optionally 50 to 500 g/L of at least one additional fungicidally active compound;
  - (b) 100 to 700 g/L of one or more alkoxylates of an aliphatic alcohol,
  - (c) up to 100 g/L of one or more non-ionic dispersants,
  - (d) 10 to 100 g/L of one or more anionic dispersants,
  - (e) 50 to 600 g/L of one or more polar aprotic organic solvents selected from the group consisting of N-alkylpyrrolidones, N-cycloalkylpyrrolidones, N-hydroxyalkyl-pyrrolidones and lactones,
  - (f) up to 500 g/L of one or more non-polar organic solvents, and
  - (g) up to 5 g/L of one or more defoamers.
2. (currently amended) A formulation according to claim 1 wherein component (a1) is a compound of formula I



in which

R<sup>1</sup> and R<sup>2</sup> each independently represent hydrogen atom or an optionally substituted alkyl, alkenyl, alkynyl or alkadienyl group;

R<sup>3</sup> represents a halogen atom or an optionally substituted alkyl, alkenyl, alkynyl, alkadienyl, alkoxy or aryl group;

A represents a nitrogen atom or a CH group; and

n represents an integer from 0 to 2.

3. (original) A formulation according to claim 1 wherein component (a1) is metconazole.

4. (canceled)
5. (canceled)
6. (currently amended) A formulation according to claim 1 wherein said alkoxylate of an aliphatic alcohol (b) is a C<sub>5-20</sub> alcohol being alkoxylated with 1 to 20 C<sub>2-6</sub> alkoxy groups.
7. (currently amended) A formulation according to claim 6 wherein said alkoxylate (b) is a straight-chain or branched C<sub>7-19</sub> alcohol being alkoxylated with 4 to 18 ethoxy and/or propoxy groups, or a mixture thereof.
8. (currently amended) A formulation according to claim 1 wherein the ratio of the crop protection active compounds (a) to said alkoxylates of an aliphatic alcohol (b) is between 1:0.5 and 1:100.
9. (canceled)
10. (canceled)
11. (original) A formulation according to claim 1 wherein the polar aprotic solvent (e) is immiscible with water.
12. (canceled)
13. (canceled)
14. (canceled)
15. (currently amended) An EC according to claim 1 wherein the defoamer (g) is selected from perfluoroalkyl-phosphonic acids, perfluoroalkylphosphinic acids and mixtures thereof, and which additionally comprises a silicone-based defoamer.
16. (original) A method for combating a fungus at a locus which comprises emulsifying a formulation as claimed in claim 1 with water and treating said locus with the obtained diluted aqueous formulation.
17. (previously presented) A formulation according to claim 8 wherein the ratio of the crop protection active compounds (a) to said alkoxylates of an aliphatic alcohol (b) is between 1:1 and 1:10.